

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

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|-------------------------|---|---------------------------------------|
| TARA DEARBONE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 2:23-cv-02427-JTF-cgc |
| |) | |
| UNITED AIRLINES, |) | |
| |) | |
| Defendants. |) | |

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION;
GRANTING PLAINTIFF'S MOTION TO AMEND; DENYING AS MOOT
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Before the Court is *pro se* Plaintiff Tara Dearbone's Complaint against United Airlines, filed on July 13, 2023. (ECF No. 2.) Dearbone is proceeding *in forma pauperis*. (ECF No. 7.) Pursuant to Administrative Order 2013-05, the Magistrate Judge was assigned to handle all pretrial matters via order or report and recommendation as appropriate.

On November 7, 2023, Defendant filed a Motion for Summary Judgment. (ECF No. 20.) Therein, United Airlines states that they are entitled to judgement as a matter of law on Plaintiff's ADA claim because she was not and has never been employed by them. (ECF No. 20-1, 1.) Plaintiff acknowledges this mistake in her Motion to Amend, also filed on November 7, 2023. (ECF No. 21.) In her Motion, Plaintiff asserts that she incorrectly named United Airlines as the defendant in this case and that she wishes to replace United Airlines as a defendant with United Ground Express, its wholly owned subsidiary. (*Id.* at 1.) United Airlines filed a Response in support of Plaintiff's Motion to Amend on November 20, 2023. (ECF No. 22.)

On January 31, 2024, the Magistrate Judge submitted a Report and Recommendation on United Airlines' Motion for Summary Judgment and Plaintiff's Motion to Amend, ("R & R"). (ECF No. 24.) The Magistrate Judge recommends that Plaintiff's Motion to Amend be granted, that United Airlines be voluntarily dismissed upon the filing of Plaintiff's Amended Complaint, and that United Airlines' Motion for Summary Judgment be denied as moot. (*Id.* at 1.) Neither Party filed any objections to the R & R, and their opportunity to do so has passed. See 28 U.S.C. § 636(b)(1); LR 72.1(g)(2) (objections must be filed within fourteen (14) days after being served a copy of the R & R). Because the pending Motions strictly pertain to the misidentification of the defendant, the Court finds that this matter may be dispatched in short order. The Court **ADOPTS** the R & R, **GRANTS** Plaintiff's Motion for Leave to Amend, and **DENIES AS MOOT** Defendant's Motion for Summary Judgment. Upon the filing of Plaintiff's Amended Complaint, all claims asserted against Defendant will be deemed to have been voluntarily **DISMISSED**.

IT IS SO ORDERED this 14th day of February, 2024.

s/John T. Fowlkes, Jr.
JOHN T. FOWLKES, JR.
UNITED STATES DISTRICT JUDGE